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IN THE

Supreme Court of the United States

October Term, 1962.

No. 361

JESSE COLPO,

Petitioner,

v.

HIGHWAY TRUCK DRIVERS AND HELPERS, LOCAL 107, OF THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, an unincorporated association,

Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT AND APPENDIX.

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No.

JESSE COLPO,

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v.

HIGHWAY TRUCK DRIVERS AND HELPERS, LOCAL 107, OF THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, AN UNINCORPORATED ASSOCIATION,

Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT.

To the Honorable, The Chief Justice of the United States and the Associate Justices of the Supreme Court of the United States:

The petitioner, Jesse Colpo, prays that a writ of certiorari issue to review a judgment of the United States Court of Appeals for the Third Circuit in appeal No. 13850.

OPINIONS BELOW.

The opinion of the United States Court of Appeals for the Third Circuit is printed in the appendix *infra* (16-17).[1] The opinion is not reported.

1. The appendix *infra* is cited as ( ).

The opinion of the United States District Court for the District of Delaware is printed below (11a-23a).[2] The opinion is reported in 201 F. Supp. 307.

JURISDICTION.

The judgment of the United States Court of Appeals for the Third Circuit was entered on June 29, 1962 (18). The jurisdiction of this Court is invoked under 28 U. S. C. A. § 1254(1).

QUESTIONS PRESENTED.

1. Can 28 U. S. C. A. § 1337 be invoked as a federal pre-election remedy to enforce a right secured by Title IV of the LMRDA in the absence of an explicit provision to the contrary?

2. Can the pre-emption of a federal pre-election remedy to enforce a right secured by Title IV of the LMRDA rest upon inference?

3. Is a clear and unmistakable inference present that Congress pre-empted a federal pre-election remedy to enforce a right secured by Title IV of the LMRDA?

4. Does Title I afford overlapping protection to the so-called right of candidacy secured by Title IV of the LMRDA?

5. Does an action brought before an election under the LMRDA by a union member, improperly ruled ineligible to be a candidate and hold office, which seeks to declare the election null and void and to establish his rights by obtaining a declaratory judgment and other and further relief, become moot once the election has been held?

6. Is an election challenged, within the meaning of § 403 of the LMRDA, when the action is brought?

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2. Filed with the Petition is the record below as found in the Brief of Appellant and Appendix; it is cited as (a).

STATUTES INVOLVED.

The statutory provisions involved are §§ 101(a)(1) and 102 of Title I, §§ 401(e), 402 and 403 of Title IV, and § 603(a) of the Labor-Management Reporting and Disclosure Act of 1959, 73 Stat. 519, 522, 523, 533, 534, 540, 29 U. S. C. A. §§ 411(a)(1), 412, 481(e), 482, 483, 503; Act of June 25, 1948, 62 Stat. 931, 28 U. S. C. A. § 1337; Act of July 7, 1958, 72 Stat. 349, 28 U. S. C. A. § 2201, and Act of June 25, 1948, 62 Stat. 964, 28 U. S. C. A. § 2202. These statutory provisions are printed in the appendix *infra* (19-22).

STATEMENT OF THE CASE.

The petitioner, Jesse Colpo, is a resident of Newark, Delaware, and a member in good standing of respondent Highway Truck Drivers and Helpers, Local 107, of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, an unincorporated association (2a). On November 18, 1961, petitioner was nominated for the office of Recording Secretary (2a). Election for that office (and for other offices) was to commence on December 16, 1961 (2a).

On or about November 29, 1961, eleven days after his nomination and seventeen days before the election, petitioner received from the Chairman of the Election Committee of respondent a Western Union telegram advising petitioner that he was ineligible to be nominated for and hold the office of Recording Secretary on the ground that he had not been a member of respondent in continuous good standing for a period of 24-months prior to nomination as required by the International Constitution (2a, 6a). On or about December 3, 1961, thirteen days before election, in reply to petitioner's protest and appeal, petitioner received from James R. Hoffa, General President of the

International Teamsters Union, a Western Union telegram sustaining the ruling of the Election Committee (2a-3a, 7a).

On December 7, 1961, petitioner commenced an action in the United States District Court for the District of Delaware (1a, 2a-7a). On December 9, 1961, hearing was held before the district court and leave was granted to amend the Complaint (1a, 10a). On December 11, 1961, the Complaint was amended (1a, 9a-10a). Petitioner asserted that respondent violated his federal rights; he requested that he be ruled eligible to be a candidate and hold office, that the election to be held absent his candidacy be declared null and void, that he be granted a declaratory judgment, and that he be given other and further relief (4a-5a, 9a-10a).

By order dated December 12, 1961, the district court dismissed the Complaint as amended for reasons set forth in an opinion filed December 13, 1961 (11a-23a, 24a). On December 14, 1961, petitioner filed a notice of appeal (1a). On December 15, 1961, petitioner filed an appeal in the United States Court of Appeals for the Third Circuit (16). On December 16, 1961, election commenced for the office of Recording Secretary with the incumbent the only candidate (5a).

After the election, respondent filed a motion to dismiss the appeal on the ground that once the election was held the issues raised were moot (16). Following memoranda and hearing, the motion was denied (15). On the appeal, after briefs were filed and argument was had, the Court of Appeals ruled that once the election was held the issues raised were moot; the judgment of the district court was vacated and the cause was remanded with directions to dismiss the Complaint (18).

REASONS RELIED ON FOR THE ALLOWANCE OF THE WRIT.

THE DISTRICT COURT DECISION.

The rise of labor unions produced a governmental relationship between union and union member which through the years withstood federal statutory regulation. The state courts intervened but only in the equitable protection of primary contract and property rights. Unions, so the saying went, were voluntary associations akin to church groups and fraternal clubs. As unions expanded and their impact on the national scene increased, private internal abuses suffered by union members became the subject of public scrutiny. When these abuses festered until they no longer became tolerable, outside forces grew more demanding. Finally, in the public interest Congress focused on federal intervention and on September 14, 1959, the LMRDA (sometimes called the Labor Reform Law or the Landrum-Griffin Act) was born.

Agitation for passage had started early and mostly through the initiative of the American Civil Liberties Union (ACLU). In 1943, the ACLU studied trade union practices and published suggested remedies for undemocratic procedures. In 1947, the ACLU submitted a Bill of Rights to the House Labor Committee as a draft amendment to the NLRA but wthout result. In 1956 and 1957, the Executive Council of the AFL-CIO, prodded by public opinion, adopted Codes of Ethical Practices designed to promote union democracy. In 1958, the ACLU published a fresh Bill of Rights which bore close resemblance to the final product in the LMRDA. In the meantime, a drama was unfolding in hearings before the Senate Select Committee on Improper Activities in the Labor or Management Field. The facts uncovered, incapable of brief description, prompted George Meany, President of the AFL-CIO, to

say: "We thought we knew a few things about trade union corruption, but we didn't know the half of it, one-tenth of it, or the one-hundredth part of it." As quoted in Murphy, *The Background of the Bill of Rights and Its Provisions*, SYMPOSIUM ON LMRDA 277, 287 (Slovenko ed. 1961).

What Congress primarily did in the LMRDA was to characterize in generic fashion an array of basic rights which a union member possesses in relation to his union. This effort, termed the Bill of Rights, and comprising Title I of the act, represented the first time in the history of federal labor legislation that the national government engaged in wholesale regulation of internal union affairs. Indeed, the very use of the phrase Bill of Rights envisioned at least a spiritual comparison with the Federal Bill of Rights. Rose, *Comparison of the Statutory and Constitutional Bill of Rights*, SYMPOSIUM ON LMRDA 290 (Slovenko ed. 1961). As Senator McClelland was quoted as saying: "There is no reason why a union man should be required to leave the rights guaranteed to him by the Constitution of the United States at the door when he goes into a union meeting." 105 CONG. REC. 14193.

Election rights, broadly based in Title I, were detailed in Title IV. If infringed, these rights could be vindicated by a union member's complaint to the Secretary of Labor who was authorized to make an investigation and institute suit in the federal district court. This remedy "for challenging an election already conducted" was exclusive. But for challenging an election not already conducted the union member was permitted to invoke any remedy which was available. Indeed, § 603(a) of the LMRDA stated that except as explicitly provided to the contrary nothing in the act would bar any remedy to which a union member was entitled under any other federal or state law.

It is important to reflect upon this purposeful creation of dual rights and remedies in the LMRDA. On January 28, 1959, the President of the United States, presenting to Congress a twenty-point program to eliminate abuses and

improper practices in labor-management relations, specified the need to preserve for union members any remedies then present under state or federal laws in addition to those included in any new enactment S. Doc. No. 10, 85th Cong., 1st Sess. 3, 4 (1959). The provisions in § 603(a) express this "dominant mood" and have been termed "unique in federal legislation" for they not only "attempt to deal explicitly with the problem of pre-emption, but more importantly they contemplate the co-existence of federal and state law applicable to the same subject." Summers, *Pre-emption and the Labor Reform Act—Dual Rights and Remedies*, 22 Ohio St. L. J. 119, 122 (1961). This is near the interpretation that this Court has placed upon counterpart labor legislation permitting the state and federal court associated jurisdiction. *Charles Dowd Box Co., Inc. v. Courtney*, 368 U. S. 502, 82 S. Ct. 519, 7 L. Ed. 2d 483 (1962).

In dismissing this action, the district court said that the right asserted by petitioner under Title I, the Bill of Rights, was not within its provisions or contemplation, and that the right asserted by petitioner under Title IV could only be enforced in the state court before the election was conducted and through the Secretary of Labor after the election was conducted.

With respect to petitioner's claim under Title I, the district court rejected petitioner's contention that the so-called right of candidacy described in Title IV embodied splinter rights which were afforded overlapping protection in Title I. The district court thereby mistook the limits of the label for the scope of the right. It is now essential for this Court to frame the approach to these rights as this Court has done historically for the Federal Bill of Rights. Congress certainly so intended. 105 Cong. Rec. 6022, 6029.

With respect to petitioner's claim under Title IV, the district court rejected petitioner's assertion of pre-election federal jurisdiction employing 28 U. S. C. A. § 1337 as a

federal remedy to enforce a federal right secured by Title IV. Although § 1337 has been used to enforce a right under §504 of the LMRDA, see *Serio v. Liss*, 300 F. 2d 386 (3 Cir. 1961), the district court held that § 1337 could not be used here and that the only remedy which could be asserted to enforce a Title IV right was the pre-election recourse to the state court or the post-election machinery via the Secretary of Labor. This is grievous error.

The free and untrammeled election of union officers has been described as the main nerve center, the heart, of union democracy. Summers, *Judicial Regulation of Union Elections*, 70 YALE L. J. 1221, 1221 (1961); Cox, *Internal Affairs of Labor Unions Under the Labor Reform Act of 1959*, 58 MICH. L. REV. 819, 842 (1960). That imprint is clearly left on the title of the LMRDA and in its Congressional declaration of findings, purposes, and policy. This consideration alone warrants this Court's attention. Review is additionally vital when it is realized that the district court reached its conclusion based merely on inference gained from a perusal of legislative history. This opens other avenues of conflict.

First, the difficulty in ascertaining Congressional intent in labor pre-emption cases is everywhere conceded, Cox and Seidman, *Federalism and Labor Relations*, 64 HARV. L. REV. 211, 223-231 (1950), and even more so in the LMRDA, Smith, *The Labor-Management Reporting and Disclosure Act of 1959*, 46 VA. L. REV. 195, 197-198 (1960). If it is contended that other lower court decisions support the district court, it should be noted that in those decisions no contention regarding § 1337 jurisdiction and § 603(a) was presented, the distinction between pre-election and post-election remedies was blurred, and rather summary conclusions were made of an issue critical to the LMRDA, to federal jurisdiction, and to the rights of union members.

Second, this Court already has found that a presumption against pre-emption exists in the LMRDA absent an

express Congressional intent. In *DeVeau v. Braisted*, 363 U. S. 144, 80 S. Ct. 1146, 4 L. Ed. 2d 1109 (1960), the issue was whether or not § 8 of the New York Waterfront Commission Act of 1953 dealing with disqualification of ex-felons for union office was in conflict with the Supremacy Clause of the United States Constitution. This Court was asked to find evidence of federal pre-emption in the enactment by Congress of Title V of the LMRDA. This Court found to the contrary. The contention was then made that any state disablement from holding union office because of a prior felony conviction which had terms at variance with the LMRDA must be impliedly barred by it. This Court said, *supra*, 80 S. Ct. at 1152-53:

> "Just the opposite conclusion is indicated by the 1959 Act, which reflects Congressional awareness of the problems of pre-emption in the area of labor legislation and which did not leave the solution of questions of pre-emption to inference. When Congress meant pre-emption to flow from the 1959 Act it expressly so provided."

The reasoning employed by the district court in this case is not only at odds with the decision of this Court but prevents election rights from achieving the maximum efficiency for which they were designed. The express not implied will of Congress should suffer this result.

The Court of Appeals Decision.

The circuit court appeal from the district court decision was filed before the election was held. Thereafter, respondent moved to dismiss the appeal on the ground that once the election was held the issues raised were moot. The Court of Appeals denied the motion. Petitioner filed his brief and, based on the denial of the motion, presented nothing on that issue. Respondent filed its brief which contained on that issue one page, the last, apparently to

reserve its right. Argument was to be held on June 8, 1962.

On June 5, 1962, the Court of Appeals decided *Mamula v. United Steelworkers of America* arising from the Western District of Pennsylvania and cited the decision of the district court being appealed in this case as "in accord with our conclusion."[3] At argument petitioner contended that the conclusion reached in *Mamula*, although suggestive of a view contrary to petitioner's position, was not necessarily at odds with it and that the cases when refined actually presented different questions for decision.

On June 29, 1962, the opinion and judgment of the Court of Appeals came down in this case as if it had never existed. The district court judgment was vacated and the cause was remanded with directions to dismiss the complaint. The ground asserted was that "once the election here was held, there was no longer before this court a subject matter upon which our judgment could operate, Mills v. Green, 159 U. S. 651 (1895), and the question became moot." This decision revived, and reversed, the issue raised by respondent's motion to dismiss which previously had been denied. In addition, the opinion bypassed the many essential facets of mootness. See generally Diamond, *Federal Jurisdiction to Decide Moot Cases*, 94 U. Pa. L. Rev. 125 (1946); Note, *Cases Moot on Appeal: A Limit on the Judicial Power*, 103 U. Pa. L. Rev. 772 (1955).

More than that, however, the opinion, even on its own terms, fails to discuss the several ways, asserted by petitioner at argument, in which a judgment could operate upon the subject matter. Petitioner's contention was centered predominantly around his requested relief for a declaratory judgment of his rights and the use that he could make of it, such as, for example, provide the basis for an action for damages, establish rules for the qualification of peti-

3. A Petition for Writ of Certiorari, entitled *Mamula v. United Steelworkers of America*, October Term, 1962, No. 244, was filed in this Court on July 12, 1962.

tioner and others in future elections, and in a given situation spur the Secretary of Labor to action. These considerations are not mentioned in the opinion.

Additionally, permitting this case to go by the board on the basis of mootness plays havoc with the crucial legal issues involved. First, because of the short time sequence governing union rulings of ineligibility in elections (as demonstrated by the facts at bar) the likelihood of appellate review in the future in this vital area of federal law will not only prove its normal hazard but will depend upon a race to the courthouse door affected by the uncontrolled swiftness with which the union declares a candidate ineligible. Second, the question of mootness, that is, what relief could be given if jurisdiction over the subject matter was present, should await the disposition of that most vital issue. Third, in this case the issues of mootness and jurisdiction are subtly interwoven to an extent that a finding of mootness adversely treats the jurisdictional issue without ever considering it. In short, the peremptory judgment of mootness by the Court of Appeals not only short-circuits the basic jurisdictional question in the LMRDA but thrusts upon over 17 million union members in this country a sensitive interpretation pregnant with implication and lacking the full judicial appraisal which it demands.

CONCLUSION.

Three years have gone by since the LMRDA was passed. Refer to the 1961 Report of the Section of Labor Relations Law of the American Bar Association, p. 76, to see what has been happening:

> "The importance of providing adequate scope for pre-election remedies is made apparent by this history of those post-election actions instituted by the Secretary of Labor to date. As of June 9, 1961, 13 cases had been started, and none of these had yet come to trial, although one was disposed of immediately prior to trial

by the issuance of a consent decree overturning a challenged election and ordering a new one. One of the most important of these cases, *Mitchell v. National Maritime Union*, was filed in October, 1960, and is still awaiting trial. Since under Section 402(a) challenged elections are presumed valid pending final decision, post-election remedies may well be virtually useless in some instances."

Local union elections must be held at least once every three years, and if it takes that long for post-election challenge through the Secretary of Labor, of what practical value has this remedy become? That is why those who have been faced with this problem on the ground floor, and those who have given study to it, have turned elsewhere convinced that pre-election jurisdiction in the federal court employing the federal remedy to enforce the federal right is a reasonable and proper vehicle to litigate election disputes, and particularly when it is everywhere conceded that under the LMRDA pre-election jurisdiction in the state court already exists to enforce the federal right. See, for example, Summers, *supra*, 70 YALE L. J. at 1257.

The LMRDA stands today as a notable and novel Congressional achievement in the coordination of federal-state rights and remedies in the labor field. It is that coordination which has been undermined in this case. To say, as does Rule 19 of this Court, that this case "has decided an important question of federal law which has not been, but should be, settled by this court; or has decided a federal question in a way in conflict with applicable decisions of this court" is a formal expression of the real urgency of the issues here offered. These issues are not posed merely "to satisfy a scholarly interest" or "for the benefit of particular litigants"; rather they "imply a reach to a problem beyond the academic or the episodic." *Rice v. Sioux City Memorial Park Cemetery, Inc.*, 349 U. S. 70, 75 S. Ct. 614, 616, 99 L. Ed. 897 (1955). They present, in short, "special and important reasons" for review by this Court for as it

now stands the machinery of the LMRDA, and the Bill of Rights it proclaims, has been immobilized. It is to free that machinery and to activate those rights that this Petition has been filed.

For these reasons, the Petition for Writ of Certiorari should be granted.

Respectfully submitted,

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Attorneys for Petitioner.

APPENDIX.

Order of the United States Court of Appeals for the Third Circuit.

Present: BIGGS, *Chief Judge*, and MCLAUGHLIN and HASTIE, *Circuit Judges*.

Upon consideration of the appellee's motion to dismiss the appeal in the above entitled case, and of the memorandum in support of the motion and of the appellant's statement in opposition, and after hearing,

It is ORDERED that the motion to dismiss be and it hereby is denied.

By The Court,

BIGGS, *Chief Judge*.

Dated: February 6th, 1962.

Opinion of the United States Court of Appeals for the Third Circuit.

Before McLaughlin, Staley and Hastie, *Circuit Judges*.

OPINION OF THE COURT.

(Filed June 29, 1962)

Per Curiam.

Jesse Colpo, plaintiff, commenced this action against Highway Truck Drivers and Helpers, Local 107, of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, defendant, by filing a complaint on December 7, 1961, in which he alleged that defendant had violated Title I, §§ 101(a)(1) and 102, 29 U. S. C. A. §§ 411(a)(1) and 412, and Title IV, § 401(e), 29 U. S. C. A. § 481(e), of the Labor-Management Reporting and Disclosure Act of 1959 ("Act"). More particularly, plaintiff asserted that defendant had declared him ineligible to be nominated for and to hold the office of Recording Secretary, and that any election in which he was not a candidate would, under the Act, be null and void. In his prayer, plaintiff requested that the district court declare him eligible, and that defendant be required to place his name on the ballot.

On December 12, 1961, the district court dismissed the complaint, concluding that it lacked jurisdiction, and the election was commenced on December 16, 1961, after a notice of appeal had been filed in this court. Plaintiff did not, however, request a stay of the election from either the district court or this court. Defendant filed a motion to dismiss the appeal on the ground that plaintiff lacked standing under Title IV, 29 U. S. C. A. § 483, of the Act because that section makes an action brought by the Secretary of

Labor the exclusive remedy to set aside an election. The motion was denied.

Our jurisdiction is limited to cases and controversies involving real and substantial rights of the parties. We think once the election here was held, there was no longer before this court a subject matter upon which our judgment could operate, Mills v. Green, 159 U. S. 651 (1895), and the question became moot. Our opinion thus would be advisory and of no immediate consequence to the parties.

Under such circumstances, the judgment of the district court must be vacated, United States v. Munsingwear, Inc., 340 U. S. 36 (1950). Our action here should not be construed as passing on the question considered by the district court of whether a federal court can grant relief under the Act before an election is held.

The judgment of the district court will be vacated and the cause remanded with directions to dismiss the complaint.

Judgment of the United States Court of Appeals for the Third Circuit.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE.

Present: MCLAUGHLIN, STALEY and HASTIE, *Circuit Judges.*

JUDGMENT.

This cause came on to be heard on the record from the United States District Court for the District of Delaware and was argued by counsel.

On consideration whereof, it is now here ordered and adjudged by this Court that the judgment of the said District Court in this case be, and the same is hereby vacated, and the cause remanded with directions to dismiss the complaint. Costs to appellee.

June 29, 1962

Text of Statutes Involved.

LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959.

Title I—Bill of Rights of Members of Labor Organizations.

BILL OF RIGHTS.

SEC. 101. (a)(1) EQUAL RIGHTS.—Every member of a labor organization shall have equal rights and privileges within such organization to nominate candidates, to vote in elections or referendums of the labor organization, to attend membership meetings, and to participate in the deliberations and voting upon the business of such meetings, subject to reasonable rules and regulations in such organization's constitution and bylaws.

CIVIL ENFORCEMENT.

SEC. 102. Any person whose rights secured by the provisions of this title have been infringed by any violation of this title may bring a civil action in a district court of the United States for such relief (including injunctions) as may be appropriate. Any such action against a labor organization shall be brought in the district court of the United States for the district where the alleged violation occurred, or where the principal office of such labor organization is located.

Title IV—Elections.

TERMS OF OFFICE; ELECTION PROCEDURES.

SEC. 401. (e) In any election required by this section which is to be held by secret ballot a reasonable opportunity shall be given for the nomination of candidates and every member in good standing shall be eligible to be a candidate and to hold office (subject to section 504 and to reasonable qualifications uniformly imposed)

and shall have the right to vote for or otherwise support the candidate or candidates of his choice, without being subject to penalty, discipline, or improper interference or reprisal of any kind by such organization or any member thereof. . . .

ENFORCEMENT.

SEC. 402. (a) A member of a labor organization—

(1) who has exhausted the remedies available under the constitution and bylaws of such organization and any parent body, or

(2) who has invoked such available remedies without obtaining a final decision within three calendar months after their invocation,

may file a complaint with the Secretary within one calendar month thereafter alleging the violation of any provision of section 401 (including violation of the constitution and bylaws of the labor organization pertaining to the election and removal of officers). The challenged election shall be presumed valid pending a final decision thereon (as hereinafter provided) and in the interim the affairs of the organization shall be conducted by the officers elected or in such other manner as its constitution and bylaws may provide.

(b) The Secretary shall investigate such complaint and, if he finds probable cause to believe that a violation of this title has occurred and has not been remedied, he shall, within sixty days after the filing of such complaint, bring a civil action against the labor organization as an entity in the district court of the United States in which such labor organization maintains its principal office to set aside the invalid election, if any, and to direct the conduct of an election or hearing and vote upon the removal of officers under the supervision of the Secretary and in accordance with the provisions of this title and such rules and regulations as the Secretary may prescribe. The court shall have power to take such action as it deems proper to preserve the assets of the labor organization.

(c) If, upon a preponderance of the evidence after a trial upon the merits, the court finds—

(1) that an election has not been held within the time prescribed by section 401, or

(2) that the violation of section 401 may have affected the outcome of an election,

the court shall declare the election, if any, to be void and direct the conduct of a new election under supervision of the Secretary and, so far as lawful and practicable, in conformity with the constitution and bylaws of the labor organization. The Secretary shall promptly certify to the court the names of the persons elected, and the court shall thereupon enter a decree declaring such persons to be the officers of the labor organization. If the proceeding is for the removal of officers pursuant to subsection (h) of section 401, the Secretary shall certify the results of the vote and the court shall enter a decree declaring whether such persons have been removed as officers of the labor organization.

(d) An order directing an election, dismissing a complaint, or designating elected officers of a labor organization shall be appealable in the same manner as the final judgment in a civil action, but an order directing an election shall not be stayed pending appeal.

APPLICATION OF OTHER LAWS.

SEC. 403. No labor organization shall be required by law to conduct elections of officers with greater frequency or in a different form or manner than is required by its own constitution or bylaws, except as otherwise provided by this title. Existing rights and remedies to enforce the constitution and bylaws of a labor organization with respect to elections prior to the conduct thereof shall not be affected by the provisions of this title. The remedy provided by this title for challenging an election already conducted shall be exclusive.

RETENTION OF RIGHTS UNDER OTHER FEDERAL AND STATE LAWS.

SEC. 603. (a) Except as explicitly provided to the contrary, nothing in this Act shall reduce or limit the responsibilities of any labor organization or any officer, agent, shop steward, or other representative of a labor organization, or of any trust in which a labor organization is interested, under any other Federal law or under the laws of any State, and, except as explicitly provided to the contrary, nothing in this Act shall take away any right or bar any remedy to which members of a labor organization are entitled under such other Federal law or law of any State.

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28 U. S. C. A. § 1337.

The district courts shall have original jurisdiction of any civil action or proceeding arising under any Act of Congress regulating commerce or protecting trade and commerce against restraints and monopolies.

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28 U. S. C. A. § 2201.

In a case of actual controversy within its jurisdiction, except with respect to the Federal taxes, any court of the United States upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such.

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28 U. S. C. A. § 2202.

Further necessary or proper relief based on a declaratory judgment or decree may be granted, after reasonable notice and hearing, against any adverse party whose rights have been determined by such judgment.